

U.S. Patent Application Serial No. **10/516,949**

Amendment filed October 1, 2009

Reply to OA dated June 3, 2009

REMARKS

Claims 1, 3-9 and 11-16 are pending in this application. Claims 1 and 9 are amended herein.

Upon entry of this amendment, claims 1, 3-9 and 11-16 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

Claims 1, 3-9, and 11-16 are objected to because of informalities. (Office action paragraph no. 3)

Claims 1 and 9 have been amended for clarity to replace “with corresponding each said collection tank” by --with each corresponding collection tank--, as requested by the Examiner.

Claims 1, 3-5, 7, 9, 11-13, and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over JP 2000-183010A. (Office action paragraph no. 6)

Claims 1-5, 7, 9-13, and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over JP 11-309404A. (Office action paragraph no. 7)

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Claims 6, 8, 14 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 2000-183010A. (Office action paragraph no. 8)

Claims 8 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 11-309404A. (Office action paragraph no. 9)

Claims 6 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 11-309404A as applied to claims 1 and 9 above, and further in view of JP 2000-183010 A. (Office action paragraph no. 10)

Reconsideration of these rejections is respectfully requested.

Base apparatus claim 1 of the present application recites the feature, “**said plurality of fences** is respectively driven only upwards to separately collect said plurality of treatment solutions by kind with each corresponding collection tank” (emphasis added). Base method claim 9 also requires that the treatment solution collection unit has a plurality of fences, and that “**said plurality of fences** is respectively driven only upwards to separately collect said plurality of treatment solutions by kind with each corresponding collection tank” (emphasis added).

In contrast, the references JP2000-183010A and JP11-309404A, cited by the Examiner, do not disclose a structure meeting this limitation on the “**plurality of fences**” in claim 1 or claim 9 of the present application.

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Specifically, the Examiner states that the structure corresponding to the “plurality of fences” in the present claims is described in paragraph [0045] of JP ‘010. However, JP ‘010 describes in paragraph [0045]:

“Although the substrate processing device provided with two cups, the cup 15 for drug solution recovery and the cup 16 for rinse recovery, was taken for the example in each example mentioned above, the shaft core of a substrate, three or more cups can be arranged concentrically and can also be constituted.”

Thus, this disclosure of JP ‘010 merely mentions “cups” for “recovery,” but provides no description of “the intermediate cup wall 30,” which the Examiner has taken as corresponding to the fences in the present application.

In addition, the Examiner states that the structure corresponding to the “plurality of fences” in the present application is described in paragraph [0140] of JP ‘404. However, JP ‘404 describes in paragraph [0140]:

“Although this explanation explained taking the case of the combination of a developing solution and pure water, it cannot be overemphasized that this invention is not limited to the change to a developing solution and pure water, and it can apply, for example to the change of two or more etching reagents, etc.”

Thus, this disclosure of JP ‘404 merely mentions **treatment solutions**, and provides no description of “the division plate 62,” which the Examiner has taken as corresponding to the fences in the present application.

Accordingly, neither JP ‘010 nor JP ‘404 discloses the feature in claim 1 of the present application, “said **plurality of fences** is respectively driven only upwards to separately collect said plurality of treatment solutions by kind with each corresponding collection tank.”

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Therefore, apparatus claims 1 and 3-8 and method claims 9 and 11-16 are not anticipated by and not obvious over JP2000-183010A and JP11-309404A, taken separately or in combination.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Petition for Extension of Time